

**ENTERED**

March 20, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**Transatlantica Commodities Pte. Ltd.,  
*Plaintiff,*

v.

Hanwin Shipping Limited,  
*Defendant, and*American Shipping & Chartering Corp.,  
*Garnishee.*§  
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CIVIL ACTION NO. 4:22-CV-01983

**ORDER**

Before the Court is the Memorandum and Recommendation (M&R) of the United States Magistrate Judge. (Doc. No. 59). Defendant Hanwin Shipping Limited (“Hanwin”) and Garnishee American Shipping & Chartering Corp. (“ASCC”) have filed their objections to the M&R (Doc. Nos. 62, 63). Plaintiff Transatlantica Commodities Pte Ltd. (“Transatlantica”) has also objected to the M&R and filed a response to the objections of Hanwin and ASCC. (Doc. Nos. 61, 64).

Initially, the Court notes that, to the extent that ASCC’s Response to Transatlantica’s objections (Doc. No. 66) can be read to imply that English law should control this dispute, its Response to the Court’s Order concerning this issue makes it clear that it is not making that argument. (Doc. No. 70).

Having considered *de novo* the entirety of the matters pertaining to the M&R (including the objections and responses), the Court hereby overrules the objections and, with one additional observation, adopts the M&R. The M&R orders that ASCC deposit into the registry of the court \$617,111.64 of the \$979,893.63 that it has under its control. The difference between the two sums represents the portion of the funds that ASCC has indicated it needed to deal with good or services related to Harwin. Those funds, while garnished, were left in ASCC’s possession. The M&R also

recommends Transatlantica post security in the amount of \$979,893.63. It further allows ASCC the opportunity in the future to petition the court to revisit its order with regard to the garnishment of the \$362,781.99 which it retains. This Court adds that if this Court or the Magistrate Judge finds that the principles of law and/or equity compel a reassessment of the need for the continued garnishment of the \$362,781.99 sum, that Plaintiff is likewise free to seek an order that reduces the amount of the bond it has posted. With that observation, the Court overrules the objections and adopts the M&R.

Having adopted the M&R, the Court hereby:

1. Grants Plaintiff's Motion for Leave to Amend (Doc. No. 29);
2. Grants Garnishee's Motion to Modify Rule B Order (Doc. No. 15);
3. Orders pursuant to the agreement of the parties that \$617,111.64 of the \$979,893.63 be deposited in the registry of the court (the sums are to be deposited within 15 days of this order) while the remaining \$362,781.99 although in possession of ASCC remains subject to the garnishment order.
4. Plaintiff shall post security in the amount of \$979,893.63 within 15 days of this order.

Finally, the Court orders the parties to file a joint status report within 30 days of this order, complete with a proposed scheduling order that, if adopted, would take this case to conclusion.

SIGNED at Houston, Texas this 17<sup>th</sup> day of March, 2023.



Andrew S. Hanen  
United States District Judge